

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**POWERTRAIN, INC., A MISSISSIPPI  
CORPORATION**

**PLAINTIFF**

**v.**

**CAUSE NO.: 1:11-cv-00105-GHD-DAS**

**JOYCE MA, INDIVIDUALLY, AND  
BEST MACHINERY & ELECTRICAL, INC.**

**DEFENDANTS**

##

**MOTION FOR LEAVE  
TO FILE THIRD-PARTY COMPLAINT**

COME NOW the Defendant, JOYCE MA, individually, a defendant in the above-styled and captioned cause, by and through counsel, and, pursuant to FRCP Rule 14(a), moves this Honorable Court for leave to file a Third-Party Complaint against WILLAIM H. SHAWN, and SHAWNCOULSON, LLP, in the form attached hereto as Exhibit "A", and in support thereof would show unto the Court the following:

1. On or about 3 May, 2011, POWERTRAIN, INC., a Mississippi Corporation, filed the present Complaint against the Defendant, alleging that the Defendant had essentially sold to the Plaintiff engines which violated EPA standards resulting in \$2,000,000.00 in fines being assessed against the Plaintiff through litigation with the EPA styled *United States of America v. Powertrain, Inc.*

*et al.*, Civil Action Case Number 1:09-cv-00993-RBW, District of Columbia. The EPA litigation was spawned from previous litigation styled *Powertrain, Inc., et al., v. American Honda Motor, et al.* (Civil Case No. 03-668) (“the *Honda* case”). The Third Party Defendants represented the Defendant herein, JOYCE MA, individually, as well as the Plaintiff in the *Honda* case.

2. As a direct and proximate result of the Third Party Defendants’ representation of the Defendant, JOYCE MA, individually, in the *Honda* case, the Plaintiff has been able to bring this action against her.

3. While the Defendant denies and will continue to deny that she is in any way liable to the Plaintiff, if it be shown that she is in fact liable to the Plaintiff on account of the matters and things alleged in the original Complaint, then, in such event, the Defendant should be entitled to recover from the Third Party Defendants the full amount of any judgment which might be rendered against her in the original action by the Plaintiff, by virtue of the breach by the Third Party Defendants of any of the duties which were breached as alleged in the Third Party Complaint.

4. FRCP Rule 14(a) states that a third-party action may be brought against any party not a party to the lawsuit "who is or may be liable to the third-party plaintiff

for all or part of the plaintiff's claim against the third-party plaintiff." Accordingly, the Defendant submit that good cause exists sufficient to support an order by this Court allowing her to file her Third-Party Complaint against WILLAIM H. SHAWN and SHAWNCOULSON, LLP.

WHEREFORE, PREMISES CONSIDERED, the Defendant, JOYCE MA, individually, respectfully request this Honorable Court to enter an order granting them leave to file their Third-Party Complaint against WILLAIM H. SHAWN and SHAWNCOULSON, LLP.

Dated: May 24, 2012

Respectfully Submitted,

JOYCE MA  
DEFENDANT/THIRD PARTY PLAINTIFF

By /s/ Jeffery M. Navarro  
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P.O. BOX 162  
AMORY, MS 38821  
662-256-3706  
MBN: 3755

Attorney for Defendant/Third Party Plaintiff,  
Joyce Ma

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jeffery M. Navarro

Jeffery M. Navarro